

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

406

CWP-23392-2015 (O&M)
Date of decision: 10.09.2019

Gurjant Singh @ Janta Singh

....Petitioner

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Arun Bansal, Advocate, for the petitioner.

Mrs.Ranjana Shahi, Advocate

Mr.Arun Gosain, Advocate

Mr.Varun Issar, Advocate, Advocate, for UOI.

Ms.J.K.Sidhu, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

CM-13284-85-CWP-2018

Applications for placing on record written statement, filed on behalf of respondents No.1 to 3 and for exemption from filing certified copies of annexures, are allowed, in view of the averments made in the applications, duly supported by affidavit. Said documents are taken on record. Office to append the same at appropriate place.

CMs stand disposed of.

CWP-23392-2015 (O&M)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for appointment of Arbitrator for the land which was requisitioned and acquired under the Requisitioning & Acquisition of Immovable Property Act, 1952 in the year 1975. Petitioner claim to be the legal representative of Late Mohinder Singh who owned 40 kanals of land, situated in Village Bibi Wala, Tehsil & District Bathinda.

The grouse of the petitioner is that very low rate of compensation was awarded and thus, claim appointment of Arbitrator. Application was moved for appointment of Arbitrator for the first time on 20.02.2003 (Annexure P-2), for the acquisition of the year 1975, after 28 years. It is pertinent to notice that even as per the pleadings, similarly situated claimants had served legal notice and it is not that the petitioner had served any such legal notice.

The defence of the respondents is that the land, as described in the writ petition, is not in the ownership of the petitioner who is son of Mohinder Singh. The land is owned by Puran Singh, Munshi Singh, Maingal Singh sons of Arjun Singh son of Amolak Singh in ½ share and Hakam Singh son of Inder Singh son of Amolak Singh in ½ share. Form LA-VII has been appended as Annexure R-1/1, to show the details, as such.

The said averments have not been denied by filing any replication. Thus, there is a dispute, as such, to the locus standi of the petitioner, for the said claim. Even otherwise, as noticed, the land was taken over in the year 1975 and as per Form-CC, payments were made on 11.06.1975, to various landowners. In similar circumstances, while dealing with the same set of acquisition, this Court in **CWP-13224-2015** titled *Ajaib Singh Vs. Union of India & others*, decided on 30.05.2019, rejected the claim for appointment of Arbitrator at a belated stage. The Division Bench in **Banto Ram & others Vs. Union of India & others 1989 (2) PLR 401**, has held that the claimants are not entitled for the said relief where there is delay and laches. The claim cannot be made after a period of 40 years, as the petition was filed in the year 2015.

Accordingly, in view of the above discussion, this Court is of the opinion that there is no merit in the present writ petition and the same is dismissed.

10.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>